

MDT Civil Rights Bureau

Alice Flesch, ADA Coordinator	aflesch@mt.gov	(406) 444-9229
Bill Anderson, Title VI Compliance Specialist	bianderson@mt.gov	(406) 444-6334
Elaine Arterburn, DBE Supportive Services Assistant Manager	earterburn@mt.gov	(800) 883-5811
Jim Phillips, EEO Compliance Specialist	jamphillips@mt.gov	(406) 444-6045
LeAnna Williams, Civil Rights Bureau Admin. Assistant	lwilliams@mt.gov	(406) 444-6331
Leslie Wootan, DBE Program Manager	lwootan@mt.gov	(406) 444-6337
Rebecca L. Johnson, DBE Supportive Services Manager	rejohnson@mt.gov	(800) 883-5811
Trudy Eaton, Civil Rights Bureau Compliance Tech	trueaton@mt.gov	(406) 444-6331
Vicky Koch, Civil Rights Bureau Chief	vkoch@mt.gov	(406) 444-6335

2701 Prospect Avenue PO Box 201001, Helena, MT 59620-1001

Phone (406) 444-6331 \*\*\*\*\* Fax (406) 444-7685 \*\*\*\*\* TTY (800) 335-7592

Website: [www.mdt.mt.gov](http://www.mdt.mt.gov)

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DBE Supportive Services, Civil Rights Bureau  
Montana Department of Transportation  
PO Box 201001  
Helena, MT 59620-1001

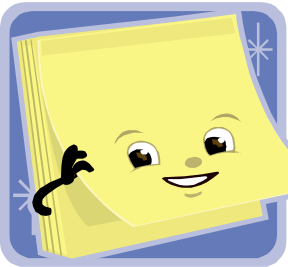


MDT DBE PROGRAM  
GOES RACE NEUTRAL

Excerpt from letter by MDT DBE Program Manager to Chief Estimators, “Effective with the January 26, 2006 Montana Department of Transportation’s (MDT) bid letting, the MDT DBE Program will begin implementing a race neutral program. This change is the outcome from the guidance handed down from the Office of the General Council within USDOT.

The MDT DBE Program Manager will be looking at all aspects of this guidance and working with a large number of sources in order to make this change and implementation as smooth as possible for our contracting community. This applies to any funding derived from USDOT funds subject to 49 CFR Part 26 passed through MDT, including FHWA, FTA and FAA funds.”

See letter to Chief Estimators on page 5



REMINDERS

REMINDER 1:

Contract ID # is now needed on all Civil Rights Bureau documents. Contractors should now include the contract identification number on all federal-aid highway project communications to the CRB including payrolls. The Contract ID number must immediately precede the old project number. This Contract ID can be found in the Expedite file as well as the upper left corner of both the proposal Schedule of Items and the printed out bid from Expedite. It is also available on the front page of the awarded proposal. In appearance the contract project number would appear like: 03A05/I IR 66-6 (55) 159

Continued page 7

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WAY TO GO!

For MDT December 2, 2005 highway construction bid letting, the following contractors achieved DBE participation over the DBE program goal of 5.11%

Highway Specialties	60.00%	Belt - Southeast
Montana Materials dba LS Jensen	15.10%	Trout Crk - Northwest
Jim Gilman Excavating	6.66%	Three Forks
Sletten Construction	5.43%	Structures - S Of Pray

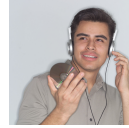
MDT DBE Goal Participation

FFY 2006 DBE Goal = 5.11%

Current DBE Participation based on contracted amounts = 9.7%

(committed/awarded from October 1, 2005—December 31, 2005)

## A NEW ADDITION TO THE DBE SUPPORTIVE SERVICES LENDING LIBRARY .... *Learn How to Create an Effective Employee Handbook*



An employee handbook is necessary to convey company policies to employees, but it can also get your company in legal trouble. Simple language issues can impact whether your company wins or loses a legal claim brought by a disgruntled employee. This new CD "Learn How to Create an Effective Employee Handbooks" by Thompson Interactive will assist you in avoiding the pitfalls

that could result from poorly drafted or incomplete company policies and take the headache out of creating an employee handbook.

During a 60-minute presentation, you will receive crucial information to create an effective employee handbook that explains your policies and reduces your company's liability. This two CD set also provides sample design layouts.

Please let us know what books, videos, or CDs you would like in the DBE Lending Library. For a complete list of our available lending material, please call the DBE SS Office. 1-800-883-5811

**Suggestion:** Prior to publishing your Employee Handbook run it by your legal counsel.

## As Read MDT Bid Letting Results as of December 2, 2005

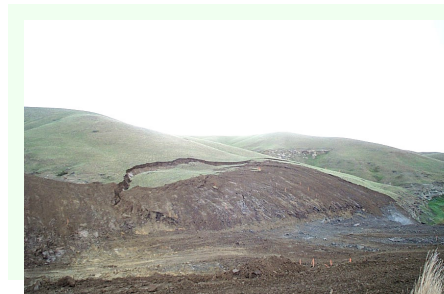
Project Number	Prime Contractor	Low \$ Bid Amount	DBE Participation	
			\$ Amount	%
BR 384-1(12)0 Bighorn River - Hardin	Morgen & Oswood Const	\$5,781,910.77	\$164,756.00	2.85%
NH 8-4(32)102 US 287 Pass Ln-N Three Forks	Jim Gilman Excavating	\$5,123,200.18	\$341,221.85	6.66%
BR 540-1(13)7 - Structures - S Of Pray	Sletten Construction	\$1,269,043.00	\$68,861.46	5.43%
IM 90-1(155)64 Tarkio-East, Alberton SFCI 90-1(156)74 East & West & Fencing	Riverside Contracting, Inc.	\$1,392,974.46		
STPP 48-1(27)18 JCT I-94 South	J T L Group - Billings	\$1,386,401.40	\$62,721.82	4.52%
BH 0002(745) D5 - Scour Protection	Donnes, Inc.	\$896,116.00		
STPP 14-4(21)146 Lavina - East	Century Companies	\$1,581,198.45	\$65,208.00	4.12%
NH 5-4(29)173 Eureka - South NH 5-4(30)177 Eureka - North & South	Schellinger Construction	\$1,076,066.09		
<b>SFCS 284-1(3)0 JCT US 12-N</b>	<b>Helena Sand &amp; Gravel</b>	<b>\$188,169.04</b>		
STPP 6-1(108)23 Trout Creek - Northwest	Montana Materials dba LS Jensen	\$211,821.79	\$31,978.43	15.10%
STPP 14-2(27)56 Checkerboard - West	Riverside Contracting, Inc.	\$507,253.50		
IM 15-8(62)380 Sunburst - South IM 15-7(31)343 Pondera County Line-South IM 15-5(112)282 Grat Falls - Vaughn	Riverside Contracting, Inc.	\$1,992,479.50		
STPP 9-1(14)40 Augusta - Choteau STPP 3-2(46)42 Choteau - North	Riverside Contracting, Inc.	\$865,000.40		
NH 57-1(5)0 Belt - Southeast	Highway Specialties, Inc.	\$28,597.52	\$17,159.00	60.00%
<b>Total of all Federal-aid Projects for December 2, 2005 MDT Bid Letting</b>		<b>\$22,112,063.06</b>	<b>\$751,906.56</b>	<b>3.40%</b>
<b>Total of all State projects for December 2, 2005 MDT Bid Letting</b>		<b>\$188,169.04</b>		

## INVITATION FOR BIDS LETTING OF JANUARY 26, 2006—CONTINUED

18. **MUSSELSHELL-N & S - STPS 310-2(10)34** - Plant mix surfacing, seal & cover, and bridge rail revisions.
19. **JCT. SEC.-401-E & W - STPS 302-1(8)10** Plant mix surfacing and seal & cover
20. **CONRAD – NORTHEAST - STPP 21-1(19)4** - Cold milling and plant mix overlay
21. **CASCADE - N & S - IM 15-5(108)248** -Crack seal and seal & cover
22. **2002-D1-BRIDGE DECK SEAL, IM-BH 0002(757) - ORANGE ST. BRIDGE-MISSOULA,**

**STPU 8107(17) - IM-BH 0002(757)** - Bridge deck seal and striping.

23. **SAGE CREEK - 23 KM EAST OF WHITLASH - BR 9026(15)** -Bridge replacement with construction of a 21-meter double cell precast concrete box culvert and graded gravel approaches.
24. **2000 - GUARDRAIL – MARIAS PASS - STPHS 1-3(49)199** - This project consists of guardrail improvements.
25. **2000-SLOPE FLTN-N JCT MT 200 - STPHS 36-1(21)3** - Slope flattening and signing on the 2000-Slope Flattening



Pondera Glacier Slide Project

Before

After



## REMINDERS—Continued from front page

**REMINDER 2:** Get your EEO (Equal Employment Opportunity) Submissions into the Civil Rights Bureau. Please be advised that all contractors must revise their annual EEO submission for 2006 and have it approved by Civil Rights Bureau prior to doing any work on any federal-aid project.

Prime contractors should verify from the MDT website that subcontractors have their annual EEO submissions for 2006 submitted and approved before the subcontractor begins work on any federal-aid project.

**REMINDER 3:** Submit your Special Fuel User Permit Renewal into Montana Department of Transportation Motor Carrier Services Division. It is required of all contractors and subcontractors before they can work on MDT projects.

**REMINDER 4:** Check that all your external company information on signs, phone directories, web sites, listings, and DBE directory is accurate.

**REMINDER 5:** Check that your answering machine, fax, and phones are in good working condition.

**REMINDER 6:** Finally, change your batteries in your smoke alarms at home and business.



## INVITATION FOR BIDS LETTING OF JANUARY 26, 2006

Sealed bids on the following projects will be received by the Montana Department of Transportation-Highways Division, Contract Plans Bureau, Room 01, 2701 Prospect, Helena, Montana until 9:00 a.m. on January 26, 2006 the bids being publicly opened and read thereafter at 10:00 a.m. in the Department's auditorium. Bid proposals, plans, cross-sections, dirt runs & erosion control plans if available, and full instructions to bidders are on file for examination and may be obtained from the Contract Plans Bureau. These documents may be requested by FAX (406)444-7236, by mail or by calling (406) 444-6216, 6212, 6215 or TTY 444-7696

1. **VIC WHITE COYOTE RD-S RAVALLI - NH 5-2(120)20** - Grading, gravel surfacing, plant mix bituminous surfacing, seal and cover, structures, and other improvements on the Vicinity White Coyote Rd. – South Ravalli project in Lake County.  
**MANDATORY PRE-BID**
2. **CHECKERBOARD – WEST, STPP 14-2(27)56 WHITE SULPHUR SPRINGS-SOUTH, STPP 14-2(28)33—STPP 14-2(27)56** - Seal and Cover
3. **MUD CREEK STRUCTURES - NH-PLH 5-2(142)51** This project consists of performing soil pre-consolidation of roadway subgrade, construction of structures over Mud Creek, and partial construction of Mud Creek re-alignment. This project is the first phase of a two phase process. **MANDATORY PRE-BID CONFERENCE.**
4. **ANGELA - N & S - STPP 18-1(9)18** - Grade, gravel, PMBS, bridge replacement, seeding, fence, drainage, seal & cover and striping.
5. **TONGUE RIVER - MILES CITY, BR 2-1(34)2 - TONGUE RIVER – MILES CITY, BR-STPE 9009(11)** -BR 2-1(34)2 - Bridge replacement with construction of a 99-meter prestressed concrete structure and approaches, signing, pavement markings and lighting.
6. **SOUTH OF SIDNEY – SOUTHWEST - NH 20-2(23)29** -Leveling, plant mix overlay, seal and cover.
7. **OVANDO – EAST, NH 24-2(20)43 -LINCOLN – EAST & WEST, NH 24-3(29)68** NH 24-2(20)43 - Leveling, plant mix bituminous surfacing overlay, seal and cover .
8. **ROOSEVELT CO LINE-EAST -NH 1-10(55)581** - Cold milling, PMS overlay, seal & cover, guardrail and pavement markings on the Roosevelt County Line. The entire project is within the Fort Peck Indian Reservation.
9. **WEST LAUREL INTERCHANGE - IM-STPHS 90-8(154)433** -Bridge rehabilitation and approach work.
10. **NW OF MILES CITY – NW - STPP 18-1(13)2** - Leveling, plant mix bituminous surfacing overlay, seal and cover, and revise bridge rail.
11. **COLUMBIA FALLS - EAST & WEST - NH 1-2(133)134** -Plant mix overlay, seal & cover, and pavement markings on the Columbia Falls-East & West project in Flathead County.
12. **STREVELL AVE - MILES CITY, STPU 8006(2) - WILSON ST. – MILES CITY, STPU 8013(2)** Grading, plant mix surfacing and curb/sidewalk on 2 projects within the city of Miles City in Custer County.
13. **PORTABLE SCALE SITES – MSLA - NH 7-2(37)83** - Grade, gravel, PMBS, PCCP, scale & pit, sidewalk, curb & gutter, striping and electrical on the Portable Scale Sites - Missoula project in Missoula County.
14. **HELENA - EAST HELENA - NH-STPHS 8-2(61)46** - This project consists of cold milling and/or pavement removal of the median and shoulders, plant mix bituminous surfacing of the median and shoulders, signal upgrade, sidewalk improvements and guardrail improvements.
15. **EAST OF ST REGIS – EAST, STPP 35-1(13)3 -ST. REGIS – NE, STPP 35-1(14)0** - Overlay, seal & over and pavement markings on two projects.
16. **WISDOM – WEST, STPP 46-2(12)8 - BIG HOLE PASS – EAST & WEST, STPS 278-1(21)30 -STPP 46-2(12)8** - Seal and cover, pavement markings.
17. **AUGUSTA – SOUTH - SFCS 435-1(1)0** -Cold milling, PMBS, seal & cover, revegetation and striping.

## DBE COMPANY – SPOTLIGHT



### Rhithron Associates, Inc.

1501 West Central Avenue  
Missoula, Montana 59801  
406.721.1977

In 1991, Wease Bollman began a taxonomic laboratory enterprise in her home that has since flourished into a vibrant business. Today, Rhithron Associates is a corporation with 18 plus employees and their own building. In fact, this year they are moving to a bigger building to house their growing operations.

Rhithron conducts biological assessments of surface waters. From samples of water, they identify and classify the aquatic organisms for analysis and reporting. Through this work, Rhithron supports the Clean Water Act with biological assessment strategies – helping Montana ensure compliance with the laws protecting our waterways. Rhithron conducts work for many state agencies including Montana, Wyoming, Minnesota, New Mexico, Washington, Nevada and Idaho as well as work for tribal agencies, private companies, individuals and even some work in Canada.

Currently, Rhithron works with Land and Water Consulting/PBS&J on Montana Department of Transportation wetland projects by monitoring the wetlands created by MDT. Rhithron conducts assessments of the invertebrate populations of the wetlands to ensure they are functioning as a natural wetland.

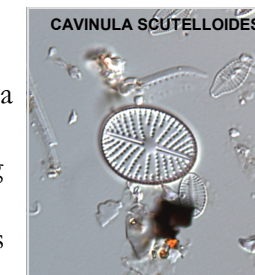
Rhithron has recently expanded their services to diatom assessment work. A diatom is algae which has a silica (glass) external structure. In combination with

other indicators, they are a good indication of the quality of the water. Rhithron provides interpretive reports based on the abundance and diversity of the diatom (and insect) life in the water to assess potential water problems and help clientele to stay within compliance of the Clean Water Act. Future plans for Rhithron are to provide a full-spectrum of biological assessment services for natural surface waters from the single cell diatom and aquatic organisms to the fish and plant life.

Wease's words of wisdom to other business owners: "Integrity is THE important virtue for a business owner. Your customers, partners and employees will respond positively if all you do is done with integrity."

Go to Rhithron's web site at [www.rhithron.com](http://www.rhithron.com) for more information.

***"Excuses are the nails that built the house of failure"*** quote by Dave Glaser of Rhithron Associates, Inc.





MONTANA DBE COMPANY MONTHLY UPDATE

Newly Certified DBE Companies

S and L Industrial Inc.	Cowley	WY	Fencing, Sewer/Water Systems, Specialty Trade, Traffic Control, Painting
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Re-Certified DBE Companies

AM Tech Services	Helena	MT	Audit, Data Processing/Legal/Services NE
Beard Environmental and Tech Assistance (BETA)	Elliston	MT	Analysis/Research/Studies, Prof. Services
Beck Consulting	Red Lodge	MT	Biological/Ecological/Environmental Services
Kirkness Roofing Inc.	Billings	MT	Roofing
McDevitt Associates Inc.	Billings	MT	Analysis/Research/Studies, Prof. Services
Redd's Prints and Signs Inc.	Billings	MT	Signs—Manufacturer & Supplier
Three Rivers Construction Inc.	Alpine	WY	Construction

De-Certified DBE Companies

CW Brown Architectural History Consulting	Helena	MT	Consulting
Harvey Cole Construction	Polson	MT	Painting, Taping, Masonry, Texturing
Kuck Trucking Inc.	Billings	MT	Highway construction
Northern Analytical Laboratories Inc.	Billings	MT	Consulting
Project Engineering Consultants, LTD.	Minneapolis	MN	Consulting
Shapiro and Associates Inc.	Seattle	WA	Consulting

Contractor's Special Fuel Usage Booklet Now Available

The new booklet provides definitions, record keeping requirements, and revised forms and procedures. A few important points to remember:

1. All contractors/subcontractors working on any city, county, state or federal road projects are required to have a Special Fuel User's permit.
2. All contractors/subcontractors who have a Special Fuel User's permit are required to use tax-paid (clear) fuel at all times.
3. The individual (end user) is responsible to pay the tax on the fuel used to produce the aggregate materials used on public road projects.
4. All Special Fuel User permit holders are required to file quarterly returns. A return must be filed even during a period of no activity.
5. If a contractor/subcontractor does not request refunds of fuel tax, the only records that they

are required to keep are records showing that they purchased and used only tax-paid fuel and records proving that the tax on fuel used to produce aggregate materials for public road projects was paid. However, if you request refunds of fuel tax, you are required to keep records proving that the refunds of fuel tax were for non-taxable use.

The revised Special Fuel User Quarterly Return form now has a check box for contractors who are not requesting a refund and do not owe tax for fuel used to produce aggregate which allows the contractor to skip completion of the credit/tax due section.

Please contact Bob Turner or Bonnie Marceau for a copy of this booklet or more information at 406-444-7672 or 406-444-7271.

MDT DBE Program Goes Race Neutral



January 10, 2006

ATTN: CHIEF ESTIMATOR

RE: Implementing a Race Neutral DBE Program in Montana

Effective with the January 26, 2006 Montana Department of Transportation's (MDT) bid letting, the MDT DBE Program will begin implementing a race neutral program. This change is the outcome from the guidance handed down from the Office of the General Council within USDOT. The MDT DBE Program Manager will be looking at all aspects of this guidance and working with a large number of sources in order to make this change and implementation as smooth as possible for our contracting community. This applies to any funding derived from USDOT funds subject to 49 CFR Part 26 passed through MDT, including FHWA, FTA and FAA funds.

The ruling does not affect the participation of DBE condition of award subcontractors on MDT contracts ongoing right now. Any contract awarded or executed before the January bid letting will be enforced in accordance with the contract. In reference to the contracts that are in the bidding process currently MDT has removed DBE condition of award goals from contracts to be awarded after the decision was established.

What this means is that MDT will not be setting condition of award project goals on any contracts advertised from this point forward. Prime contractors will not be required to meet a goal as a condition of award on those contracts. However, the nondiscrimination requirements in the selection of subcontractors remain in place and will be enforced by MDT. Through its contract language, MDT continues to encourage prospective prime contractors to affirmatively solicit quotes from DBE subcontractors.

In order to comply with the court ruling, MDT will be conducting a study. One of the important factors that the 9<sup>th</sup> Circuit Court panel included in their decision was conducting an anecdotal study.

If you are a DBE or a potential DBE, continue bidding or quoting as you always have. We also encourage you to obtain or maintain your DBE certification. Contact the MDT DBE Program Manager at (406) 444-6337 (voice) or (406) 444-7696 (TTY), if you have any questions or need assistance.

Leslie R. Wootan

Leslie R. Wootan  
MDT DBE Program Manager



## The Small Business Health Care Affordability Act (H.B. 667)

Providing quality affordable health care for Montanans is the right thing to do. Small businesses are the engine of Montana's economy, and helping these small businesses provide insurance to their employees is a huge step in the right direction.

Governor Schweitzer called for and signed into law a program creating a purchasing pool allowing small businesses to band together to negotiate and purchase affordable health insurance for their employees. The program, funded by and subject to tobacco tax revenues, will provide tax credits to businesses that are currently providing health insurance to their employees, but may be in danger of dropping coverage due to the high cost of insurance. Most significantly, the program will provide premium assistance to employees and employers who join the health insurance pool established by the State Auditor.

### For Currently UNINSURED Small Businesses

Premium Assistance and Incentive Payments Participating employers and employees will receive assistance payments for a portion of their health insurance premiums. This assistance will pay the cost of an employee's health insurance when the employer has not offered insurance in the past, but begins to do so through the new State Health Insurance Purchasing Pool created by HB 667, or a qualified Association Plan. The available funds will be distributed on a first-come, first-served basis. The purchasing pool Board of Directors will establish the size of the premium assistance and incentive payments; these payment levels have not yet been set.

To qualify for Premium Incentive and Assistance payments, employers and employees must meet the following criteria:

1. The employer does not currently provide employee health insurance (and has not done so in the previous two years);
2. The employer has a number of employees that meets the eligibility criteria established by the program rules (between 2-5 employees);
3. The employer begins to provide health insurance through the new State Health Insurance Purchasing Pool or another qualified Association Plan;
4. No employee is paid more than \$75,000 per year (owner excluded);
5. The employer provides health insurance to eligible employees as defined by the program rules;
6. Employees meet the income and other eligibility criteria established by the Board of Directors of the Purchasing Pool.

### For Currently INSURED Small Businesses

Employer refundable (annual) tax credits A refundable state income tax credit will be provided to accepted employers who currently pay some or all of the cost of group health insurance for their employees. Additional tax credits are provided when employers pay for insurance for the employee's spouse or their dependants. The available funds for this portion of the program will be distributed on a first-come, first-served basis until the money is fully allocated.

To qualify for an Employer Tax Credit the employer must meet all the following criteria:

1. The employer already provides employee health insurance;
2. The employer has a number of employees that meets the eligibility criteria established in the program rules (between 2-5 employees);
3. The tax credit cannot be more than 50% of the premiums paid;
4. No employee is paid more than \$75,000 per year (owner excluded).

Continued on page 2



The following are the tax credits that may be claimed under HB 667 for each eligible employee, spouse, and dependant:

-	Employee Only	Employee's Spouse	Employee's Dependants
Employer Tax Credit	\$100/month	\$100/month	\$40/month

If the average age of employees is 45 or older, the tax credit for an employee increases to \$125.

### How to Apply

Applications for the program are not yet available, but you may click here (<http://www.discoveringmontana.com/sao/database/ipinquiry.html>) to sign up to receive the application form as soon as it becomes available. Once the application forms are made available, the date for accepting those forms will be announced, and the applications will be accepted on a first-

come, first-served basis. You may call the State Auditor's office at 444-2040 or toll-free at 1-800-332-6148 with any questions. \*Please be aware that implementation dates for this program are subject to the rate at which tobacco tax revenues accumulate. If the revenue accumulates at a slower than expected rate, implementation of the program may be delayed. Infrastructure for the program is still in the process of being created, so please continue to visit this site and the State Auditor's website (<http://www.discoveringmontana.com/sao/>) for updated information.

ON-LINE

SERVICES

AT YOUR

FINGER TIPS.....

## INTERNET TIPS — Invitation for Bid REFRESH For The Most Current Information!



Sometimes old information shows up from a previous lettings when attempting to view new bid information. If that happens, with the old information on your screen click on your **REFRESH** button from the status bar or by clicking on **VIEW**, then **REFRESH** (as indicated below). For an example – if you pulled up the Invitation for bids last month, when you go to pull it up again you may get the same information on your screen. When you **refresh** your view, it will pull in the new information. For more detail go to <http://www.mdt.mt.gov/business/contracting/civil/dbe.shtml>

**REFRESH**

